

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28766 of 2020

Arising Out of PS. Case No.-81 Year-2020 Thana- LAUKAHA District- Madhubani

VISHWANATH AMIRI @ AMITI Son of Bal Krishan Yadav Resident of
Village- Lalminiya, P.S.- Lalminiya, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit
For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-12-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Jagdhar Prasad, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Laukaha (Lalminiya) PS case no. 81 of 2020 registered for the offences punishable under Section 414 of Indian Penal Code, 56(i) of Bihar Mineral (Concession Prevention of Legal Mining Transportation and Storage) Rules, 2019 and 15 of Environment Protection Act, 1986.

The allegation is regarding a tractor loaded with white sand, which seemed to be illegally mined, was apprehended and seized by the Mines Inspector.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that though the petitioner has not been named in the FIR but he has been roped in the present case on account of him being the owner of the tractor in question. It is further submitted that in the area in question i.e. Laukaha (Lalminia) Police Station, there is no sand for mining and infact the soil of the area is whitish in colour, hence the petitioner is having no complicity in the matter, inasmuch as he has not engaged in illegal mining of sand.

Per contra, the learned APP for the State vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the petitioner is having a clean antecedent and is only the owner of the tractor in question, not apprehended from the spot, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a



copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Jhanjharpur, Madhubani in connection with Laukaha (Lalminiya) PS case no. 81 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

